

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

V.

**MOHAMMED ALI YASSINE, (1)
a/k/a “Steve,” a/k/a “Steve Austin,”**

Defendant.

CRIMINAL NO. A-12-CR-104(SS)

GOVERNMENT’S RESPONSE TO DEFENDANT MOHAMMAD ALI YASSINE’S MOTION TO SUPPRESS STATEMENTS

The United States of America, by and through the United States Attorney for the Western District of Texas, respectfully submits this response to Defendant Mohammed Ali Yassine's motion (Doc. 85) requesting that the Court suppress statements made to law enforcement officers, and would show the Court as follows:

On March 22, 2012, the Defendant, Mohammed Ali Yassine, (hereinafter “Steve Yassine”) was interviewed at his residence, located at 6006 Mesa Drive, in Austin, Texas, by two task force detectives working for an FBI task force in the Austin Division of the Western District of Texas. The Defendant was advised of his *Miranda* rights at approximately 6:15AM. Defendant Steve Yassine signed an FBI FD-395 Advice of Rights form which has been produced to the Defendant in discovery and is attached hereto as Exhibit A. After being advised of his rights, Defendant Steve Yassine spoke to investigators for over one hour. The interview was terminated after the Defendant requested an attorney.

Defendant Steve Yassine's motion is devoid of any factual allegations that would entitle him to a hearing on the voluntariness of his statement other than his statement that, "Law enforcement officer *may have* secured inculpatory admissions from the accused without the accused being first advised of his warnings under the United States Constitution 5th Amendment and may otherwise constitute inadmissible oral statements." Def. Mot. at 1(emphasis added). Despite the paucity of factual assertions requiring a hearing, the United States is prepared to present evidence on this issue, should the Defendant persist in his request and the Court order such a hearing.

Respectfully submitted
JOHN E. MURPHY
Attorney for the United States
Acting Under the Authority,
Conferred by 28 U.S.C., Section 515

/s/ Gregg N. Sofer
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Bar No. NY106209

CERTIFICATE OF SERVICE

I hereby certify that on August 17, 2012, the foregoing instrument was electronically filed with the Clerk of the Court using the CM/ECF System which will transmit notification of such filing to the following CM/ECF participant:

Stephen M. Orr
Orr & Olavson
804 Rio Grande
Austin, Texas 78701
Attorney for Defendant Mohammed Ali "Steve" Yassine (4)

/s/ Gregg N. Sofer
GREGG N. SOFER
Assistant United States Attorney

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ORDER

On this date came to be considered Defendant Mohammed Ali Yassine's Motion to Suppress Statements and Incorporated Memorandum of Law and said Motion is hereby:

(DENIED) (Granted)

SIGNED this _____ day of _____, 2012.

SAM SPARKS
UNITED STATES DISTRICT JUDGE